

**Constituents Views
on
IMPROVING FEDERAL
FISHERIES
MANAGEMENT**

A SYNTHESIS REPORT

Washington, D.C.
December, 2003

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This report is a synthesis of the views presented or provided by E-comments during the 2003 NOAA Fisheries Constituent Sessions held in the eight fishery management council regions. This report is the product of information contributed by over 1,000 constituents which participated in the 2003 NOAA Fisheries Constituent Sessions. We thank each of these individuals for their participation. We share their desire for better communications between managers and constituents and their dedication to improving U.S. marine fisheries.

MERRELLKATSOUROS LLP

MerrellKatsouros LLP is a registered limited liability partnership in the Commonwealth of Virginia. Mary Hope Katsouros, Esq. and William Merrell, PhD, founded the MerrellKatsouros Partnership in June of 2002. The Partnership focuses on developing policies that balance the use and conservation of our ocean and coastal resources. The Partnership also provides public education on marine resource issues. Core competencies at MerrellKatsouros LLP include the abilities to understand complex interactions of human systems with natural systems at local, regional and national scales and to apply these understandings to the design of governance principles and management systems. MerrellKatsouros LLP personnel are recognized experts in formulating strategic approaches to issues and in designing specific solutions to critical issues by taking a vision or concept to goal statements, then to definitive objectives, and finally to performance measures.

Mary Hope Katsouros and William J. Merrell of MerrellKatsouros LLP prepared this report as part of the requirements of their Contract with the Pacific States Marine Fisheries Commission. The series of reports produced under this contract reflect the views and interpretation of MerrellKatsouros LLP and not those of the National Marine Fisheries Service or the Pacific States Marine Fisheries Commission. MerrellKatsouros LLP is solely responsible for the report and its contents.

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CHAPTER 1

BACKGROUND

Conservation and management of United States marine fishery resources is conducted under the authority of the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Enacted in 1976, this law has been amended by almost every subsequent Congress. In 1995, the law was amended to include the provisions of the Sustainable Fisheries Act. These provisions gave additional responsibilities to the regional fishery management councils and to the federal government for protecting and conserving the resource. Any debate regarding the Magnuson-Stevens Act will be enhanced by understanding the current status of U.S. marine fisheries, the progress made in implementing the Magnuson-Stevens Act, and the challenges remaining. More importantly, understanding the views and concerns of all marine fishery constituents will help in formulating policy options for the future. Working together, we can define how fishery management can be more effective in the future.

NOAA Fisheries, working with the Pacific States Fisheries Management Commission, contracted with MerrellKatsouros LLP to schedule a series of regional constituent sessions and to evaluate constituents' e-mail communications. The purpose

of the sessions was to gather public input on ways to improve the effectiveness of NOAA Fisheries and its management of living marine resources.

The regional sessions were a collaborative effort that involved all major marine fisheries interests. The primary objective was to assemble and analyze the diverse opinions, attitudes, and perspectives of marine resource stakeholders as they relate to the broad themes of U.S. fisheries management. A secondary objective was to identify possible performance measures.

The meetings were announced in the Federal Register, on the NOAA Fisheries web page, and on the web page of each of the regional Fishery Management Councils. In addition, stakeholders unable to participate at the regional sessions were encouraged to use the e-comments pilot program to share their views. The following questions were developed to assist stakeholders:

1. What are the most important issues facing fisheries in your region?
2. Who has responsibility over this issue? If unclear or uncertain, who should be in charge?

3. Does the solution require (a) no change to the present administrative or statutory structure; (b) administrative changes, and if so, what would you propose; or (c) statutory changes, and if so, what would they be?
4. How could one measure if the solution is being properly implemented and working?
5. What is the best way to keep you informed about changes within NOAA Fisheries and fisheries management?

The constituents' sessions were held in conjunction with the Regional Fishery Management Council meetings. All eight councils graciously arranged and announced the constituents' sessions. The sessions were held between June and September 2003. Over one thousand stakeholders participated. Over four hundred stakeholders made statements or submitted email messages that commented on fisheries management in the region.

In addition, at each constituent session, we had professional reporting services to record and transcribe the constituents' comments and discussions. We then prepared a summary report for each regional constituent session that included the constituents' comments.

During these sessions, constituents identified many issues needing additional consideration and resolution. The regional reports' purpose is to capture both national and regional issues identified by the stakeholders. We did not attempt to force participants to answer the questions prepared. We listened and summarized the issues of concern. We did not evaluate or prioritize the constituent's issues. The issues are presented in alphabetical order. This report is a summary or synthesis of the constituents' views and was prepared by William J. Merrell and Mary Hope Katsouros. This report represents an effort to be concise. If readers are interested in additional information, please go to the NOAA Fisheries webpage to view the regional reports.

CHAPTER 2

SYNTHESIS OF CONSTITUENTS VIEWS

During the 2003 NOAA Fisheries Constituent Sessions held at the eight federal fishery management regions between June and September, participants identified issues of concern or areas which need additional attention. The issues listed below were not ranked or prioritized by participants or the authors of this report. The issues are divided into national and regional scope.

NATIONAL ISSUES

1. MARINE AQUACULTURE

Issues

- Operations need expensive shore side land/facilities as well as pens, etc.
- Foreign fish imports, much of which is farmed products, continue to gain momentum and control pricing in U. S. markets
- Need to look at fisheries in a holistic manner and that includes aquaculture
- NOAA is hiding its plans to push aquaculture
- Non-profit environmental groups are financing some experimental fish farms
- Pew branded all aquaculture in a negative light

- You cannot recreate the ocean with hatchery fish

Pros

- Open ocean aquaculture is now feasible and virtually pollution free
- Hatcheries should be used to seed commercially valuable species in the ocean
- Need to take pressure off the destructive practice of shrimp trawling by raising shrimp in farms
- Shrimpers who give up shrimping to raise shrimp in farms should receive federal grants
- After shutting down wild fisheries, we need to provide massive government funding to retrain fishermen to become aquaculturalists or we'll lose the fishermen as well as the fish
- We should dedicate ourselves to growing food resources in the sea rather than hunting them

Problems, cautions

- Farming fish is bad because suspended solids hurt the ecosystem
- Aquaculture hurts small fisherman and coastal communities
- The public will not allow subsidies to help corporate aquaculture operations
- Should be a moratorium until national standards are established
- Finfish aquaculture needs national standards
- Must solve water quality, habitat modification, disease, and fish-food problems before allowing aquaculture
- Aquaculture projects must demonstrate a net benefit to the ocean before proceeding
- Could cause widespread devastation if controls aren't put into place

- Farm plant-eating fish not carnivores

NOAA's role

- NOAA should provide the science, research and leadership to have offshore agriculture move forward
- NOAA should have statutory authority to regulate aquaculture in the Exclusive Economic Zone (EEZ)
- Need to establish a limited number of regional advisory committees for aquaculture
- NOAA Fisheries brings much expertise to the table but should remember that aquaculture is farming
- NOAA should work with the individual states as well as other federal agencies
- NOAA should provide incentives/assistance to state programs as well as small business loans, etc.
- NOAA has not been helpful in getting loans for aquaculture

2. **BYCATCH, BYCATCH REDUCTION**

Issues

- NOAA and the Councils have not been effective in reducing the bycatch of animals in fishing operations
- NOAA/Councils should shut down any fishery with over 5% bycatch
- Need to reduce bycatch and bycatch mortality
- Bycatch is a waste. It should be reduced to zero
- Eliminating bycatch in the shrimp fishery would allow many species to recover
- Dead discards are a wasted resource

- Sea turtles are still being caught by trawlers and in gill nets
- Seeing more fish now but have to discard 20-30% of the catch
- Zero Mortality Rate Goal (ZMRG) for marine mammals isn't realistic
- ZMRG is an aspiration. Need to keep it even if you can't quite reach it
- Bycatch is excessive and out of control
- Need to investigate bycatch in fish traps
- As we rebuild mammal and turtle populations, we should expect more incidental take.
- Fifty percent of bycatch is because of bad regulations
- Bycatch is now about 21% of landings – way too high

Gear-related, objectives, approaches

- Need to work on gear modifications that would reduce bycatch
- Excellent progress is being made in gear/technique modification
- Gear technology works well with highly migratory fisheries
- Need more money for gear technology development programs
- Need more gear technology outreach, including workshops
- U.S. progress in gear technology is reducing bycatch and needs to be exported to other countries
- NOAA's Pascagoula laboratory is a national resource on gear technology development that should be used more
- Need more flexibility on experimental permits
- Regulations don't allow one to experiment with improved designs
- Bycatch reduction is a great area for cooperative industry/government research

Other objectives, approaches

- Fishermen need Individual Fishing Quotas (IFQ) to reduce bycatch

- Need better accounting of bycatch
- Must work with the International Convention on the Conservation of Atlantic Tunas (ICCAT) to assure other countries' compliance with bycatch rules
- Need to consider full retention of catch in management
- Should be more absolute caps on bycatch
- Should implement a plan of zero discards
- Zero discards would stop high grading
- Need more observers to determine bycatch

3. COUNCILS

Membership issues

- It's hard for the affected people to make a conservation decision
- Conflicts of interest of council members have lead to short-term economic gain instead of protection of marine ecosystems
- Council bias in favor of fishermen is shocking
- Conflict of interest – Both actual in that members vote their self-interest, and in appearance with most members having strong industry ties.
- Fisheries stocks are depleted because industry representatives sit on regulatory boards
- Must make the councils more representative of the areas that they manage
- Many council members have an economic interest in the outcome of their votes
- Councils overall are composed of 49% commercial fishers, 33% recreational fishers, and 18% other, they do not represent a broad community interest in a public resource

Membership objectives, approaches

- NOAA should use its influence to appoint members to councils who would curtail fishing
- Need more members who are involved in the ocean but not fishers
- Should have a member of the environmental community on the council
- Need more public members, more/less recreational fishers, need charter/head boat representatives, divers and boaters, representatives from the conservation community. BUT also need expertise and participation of industry
- Should be more balanced among commercial, recreational and subsistence interests
- Need to eliminate conflicts of interest
- No industry leader should be allowed to vote on how fisheries are conducted
- Insider influence and conflicts of interest must be stopped now
- Need a program of training/education for council members
- People who sit on council advisory committees should be compensated
- Need job description for members and committee members

Other issues

- Council process hasn't worked
- Too many boats keep coming in – council grants too many fishing permits
- Performance varies among councils
- Councils have become overwhelmed by the task of fisheries management and ceded responsibility to science
- Councils do not use NOAA's economic analyses well
- The information volume is overwhelming councils
- Council's websites are a good source of information about councils

- Council meetings are repeatedly held in expensive hotels miles away from large airports or fishing towns
- The cost of going to a council meeting often excludes the people who depend on the resource

Other objectives, approaches

- Councils should make fisheries policy, not bureaucrats or technical committees
- Fisheries Management Councils should be advisory only; NOAA Fisheries should have more say in the recommendations made
- Must separate conservation decisions from allocation decisions
- Can't separate conservation and allocation functions
- Remove the decision on how many fish are caught from the councils
- Should always put science first
- Should always use science in making their decisions
- Councils should have their own attorneys, not use NOAA's attorneys
- Shouldn't respond to letters by regional administrators
- Should use Advisory Panel comments more and more wisely
- Need more money to ensure a vigorous public process
- Council meetings should be held after work hours so the working public can attend
- There should be a method so peers could kick off a bad council member

4. ECONOMIC, SOCIAL AND CULTURAL ISSUES

Economic - issues

- Recreational fishing is an increasingly important part of the incomes of fishing communities

- Fishing industry is shifting from small businesses to large corporations
- We have managed fisheries but not the marketplace
- Constant domestic supply would reduce imports and improve trade balance
- Commercial fishermen are out to make money, fisheries management plans need to take this into account
- Commercial fisheries don't get credit for providing the consumer a quality product at a good price
- Commercial fisheries provide the consumer with a low-cost quality product
- Fisheries management undervalues the traditional 'short trip' community -- They provide a fresh, high quality product compared to 'long trippers'.
- Derby fisheries ruin the economics of fisheries; supply comes all at once while demand is steady throughout the year
- Economic impact of party, head boats is missed or underestimated
- Recreational fisheries generate much more economic benefit per pound of fish
- Fishermen have to have alternate incomes to make a living
- Fishermen have lost the ability to plan their business

Economic – objectives and approaches

- Need to look at market issues – i.e. maintaining a steady supply of fresh product is how to obtain the best prices
- Need to get the true costs of fisheries products right including management costs and end subsidies
- Need more and better economic analyses to be sure that we are getting the most economic benefit from fisheries
- Establish new management criteria based on broad economic impacts

- Need to compare economic returns for recreational versus commercial fishing for each species fished
- Need to label seafood by origin because U.S. products will command a better price
- Need economic assistance to fishermen
- Need to maximize economic benefit in bycatch allocation

Social - issues

- Human needs must also be considered in fisheries management decisions
- Children in fishing families are not going into fishing as a profession
- Young people in fishing communities are leaving
- Fishing reductions have hurt the local economy and disrupted the social structure. They are destroying our past as well as our future
- The fishermen making sacrifices now won't be around to reap the rewards
- Commercial and recreational fishers have become much more conservation oriented over the years
- Foreign crews are replacing Americans

Social – objectives, approaches

- Need more social scientists in fishery research
- Must develop models that analyze the entire system being managed – not models that look at one piece of a much bigger system
- Need to develop a community based ocean connectiveness and values for better stewardship
- There should be more fisheries set asides for fishing communities
- Should label seafood as to its environmental impact and species sustainability

Cultural - issues

- Islanders are losing their cultural values by not being allowed to fish as they have in the past
- Subsistence, artisan fishing is important to the culture of native communities and needs stronger consideration in management decisions
- In subsistence fishing, fish are not wasted - every part is used
- Movies like “Finding Nemo” intentionally give the impression that fish are friends, not food

Cultural - objectives, approaches

- Need to integrate traditional and native perspectives into our base of knowledge
- Small commercial fishers should be protected

Issues - Hawaii longline swordfish fishery closure

- Teenager Nina Tran talked about personal hardship in Hawaii after the closure of the swordfish longline fishery – Father took vessel to California where he can only fish 6 months a year causing economic hardships – also she does not see her father for eight months of each year.
- Closures don’t work in international waters – they just hurt U.S. harvesters, processors, and suppliers and disrupt fishing families
- People spent 12 years building the swordfish industry before the closure and then lost every customer overnight. Foreign sources filed the demand catching swordfish in the same waters closed to U.S. fishers, using fishing techniques that will catch more endangered turtles than the U.S. fishers would have caught.

5. ECOSYSTEM MANAGEMENT

Issues

- The private sector needs to be educated about the need to preserve intact ecosystems
- Need to look at carrying capacity of system
- Management of individual stocks is inadequate – need more holistic approach
- Coral and sponge habitats provide important ecological functions
- Bottom trawlers hurt the ecosystem

Pros

- Conservation of ecosystems should be the highest principle of fisheries management
- Every animal, including every type of fish, has a right to live and procreate in its natural habitat
- The principal objective of American marine fishery policy should be to protect marine ecosystems
- Support the Pew Ocean Commission recommendations on ecosystem-based management
- Manage for a sustainable ecosystem not individual fish species
- Must manage the entire system
- Must reflect the interests of all users of the ecosystem

Cautions

- Proceeding with ecosystem management with the present shortfalls of data on individual species is scary

- Should be attempted but need to proceed carefully
- Oppose Pew Commission recommendations on ecosystem-based management
- Dredging and bottom trawling put entire ecosystems at risk

Objectives, approaches

- Need to involve nearby communities in ecosystem-based management
- Manage under a system that takes the health and needs of the entire ecosystem into account
- Need to be able to control predators
- Need a more holistic approach to ecosystem-based management
- Need to consider ocean regime changes
- We have to phase in predictive science
- Remember that humans are linked to ecosystems
- Lots of information on ecosystem conditions is collected by different scientists using different techniques, but it needs to be coordinated
- Got to carefully define the ecosystem that one is trying to manage.
- Keep your definition of ecosystem narrow
- Demonstration projects are a good idea
- Need to consider the human impacts – land use, infrastructure, public works
- Must give more thought to the land side of the ecosystem
- Should create an independent Department of the Oceans that would have conservation of ocean ecosystems as its highest priority
- Should establish new regional councils to coordinate actions for fisheries in an ecosystem context

6. ENFORCEMENT

Issues

- Lack of enforcement is demoralizing
- Crime is hurting the business climate and hurts the honest fisherman
- Coast Guard now has additional responsibilities
- The Coast Guard is more interested in terrorism and drug trafficking than fisheries
- Vessel Monitoring System (VMS) is an exciting development for enforcement as well as safety

Objectives, approaches

- Need more and better enforcement
- Need simpler, enforceable regulations
- Need more severe penalties for some infractions
- Enforce better logbooks by taking violators' licenses
- Stop night poaching by more patrols at night
- Regulate all fishing with extreme force
- Stop poaching by international fishers
- Dockside enforcement is much more realistic than closing the ocean with no boats, no manpower and no funds
- Police the ports for illegal catches
- Need stricter laws are more severe punishments for dumpers and polluters
- Need even more joint enforcement with the states
- Help train agents in U.S. territories

7. **ESSENTIAL FISH HABITAT**

Issues

- Must protect habitat because it cannot be replaced
- Loosing Essential Fish Habitat (EFH) through economic development as well as fishing practices
- There is considerable non-fishing pressure on EFH
- Most of the loss of EFH is from activities other than fishing such as pollution, degradation of estuaries,
- The assault on our coastal wetlands and marshlands is a major contributor to the loss of EFH
- The inshore areas where reef fish spend their juvenile stage is not being protected from fishing methods or coastal development and pollution
- Federally-approved dredging projects destroy wetlands
- Dredging is killing habitat
- NOAA's approach to EFH is well beyond the intention of Congress in the Magnuson-Stevens Act
- Draft EHF Environmental Impact Statements are long and unreadable

Objectives, approaches

- Need to increase our efforts to improve EFH
- Need new stronger laws to protect habitat
- EFH efforts need more funding
- Need better coastal management
- Stop dense development along our coasts
- Stop polluting our waterways
- The impact of coastal land use on EFH needs to be addressed
- NOAA needs to pay particular attention to what other federal agencies are

doing to critical juvenile habitat such as coastal wetlands

- Might want to work with Environmental Protection Agency's (EPA) National Estuary Program
- Need to develop fishing gear that will not harm the habitat
- Areas with high concentration of corals and sponge must be designated as EFH
- Deep sea corals are essential to fish habitat – close them to bottom fishing
- Stop bottom trawling
- Need more benthic mapping to help determine EFH

8. **INFRASTRUCTURE – LAND-BASED**

Issues

- Coastal land is becoming too expensive for fisheries-related use
- Cost of oceanfront property makes it difficult to develop new shoreside fishing industry facilities or to reopen any that close
- After investing in long-term space and facilities, closures have made it difficult to meet commitments
- Open-ocean aquaculture needs shore-based support facilities

Objectives, approaches

- Processor investments and the workers in processing facilities can be greatly affected by changes in regulations and should be considered before any changes in regulations are made
- Need better shipping and ice facilities along the coasts

9. **MANAGEMENT, MAGNUSON-STEVEN'S ACT**

The Act

- The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) allows for the will of the people – a good act
- We have to consider the possibility that the Magnuson-Stevens Act is a failure
- Time to fundamentally change Magnuson-Stevens Act to establish conservation as its purpose
- Magnuson-Stevens Act is a strangle hold – makes us do guesswork for what stocks were in 1965
- The Magnuson-Stevens Act should be revisited and revised recognizing its failures to be inclusive, to prevent catastrophic fisheries declines and to include important economic sectors such as recreational fishing
- We are 27 years into the Magnuson-Stevens Act and still don't have basic catch information for many species
- Magnuson-Stevens Act should be exempt from the National Environmental Policy Act (NEPA). NEPA lawsuits are just an excuse to pursue other agendas
- NOAA's approach to implementing the ten national standards is beyond the intention of Congress in the Magnuson-Stevens Act

General management issues

- Have evolved over the years from development to allocation fights to sustainability
- The last five years have been wasted responding to litigation instead of doing research
- Management should adopt a long-term inter-generational approach

- Recovery will not be achieved until all parts of the community work together
- To try to make all species plentiful at the same time is unnatural and the folly of man
- Managers don't consider the value of nature when they manage fisheries
- Fishermen have been good partners with NOAA Fisheries and councils and it hasn't worked
- Fishers do not trust fisheries managers
- Rapidly developing a management system where people don't count.
- Need to have fisheries as well as fish
- Americans overdo anything that involves money including overfishing
- A crisis mentality now dominates management
- Lawyers (non-government) are the biggest problem in fisheries management
- Management is being driven by lawsuits filed by the environmentalists
- Attorneys in (Washington) D.C. cause too many problems
- Conservation groups with their money and attorneys have too much influence on decision process
- States need to do a better job protecting nearshore waters
- Don't separate science from management

General pro – management is working

- Management is working, the fish are coming back
- Fisheries management is in a good place – It needs to stay the course
- Progress has been made in rebuilding stocks
- Council system has been an overall success
- Fisheries management works well
- Keep going forward with rebuilding, progress is being made

General negative – management is not working

- NOAA Fisheries and the councils have failed to implement the Magnuson-Stevens Act – stocks are still overfished and rebuilding plans are not in place
- Over one third of the stocks that we know the status of are overfished
- Some overfished species still don't have rebuilding plans
- Management has failed because there has been a decrease in the abundance of fish
- The world's seafood supply is decreasing
- Our oceans are already a disaster - stop overfishing and environmental destruction
- Fisheries Management Councils mismanage fisheries
- When one species becomes more regulated, fishers move to other species that then become overexploited – need to stop fishing down the food chain
- Management seems incapable of reacting in a timely manner
- Serial overfishing has lead to crisis management
- Management is too often in a reactive mode – refusing to act until a lawsuit is filed

General management objectives, approaches

- Management's goal should be to balance use and conservation
- Must foster the sustainability of fisheries
- Goal is to maintain healthy fish populations
- Need to stop fishing until oceans and marine life return to pristine conditions
- Sustainability
- Need sweeping reform of federal law to protect our marine resources
- Protecting ocean ecosystems and managing ocean resources will require a

- fundamental reform of current law, and the way the law is administered
- Need to get rid of present managers and change policies to favor fish over profits
- Fishing should immediately stop when a species is classified as overfished
- Need more limited-entry fisheries
- The old management warnings were stock assessments, now it's habitat
- A permanent fishery conservation trust fund should be established
- The United Nations should take over fisheries management
- Need to live up to the English common trust doctrine that is incorporated into our laws
- Need to provide stability in fishing communities
- Need to stop overfishing with the least social and economic impacts
- Need to clean house to stop political pressure
- Need to stop all pollution - legal or illegal

Management time horizon - issues

- Some rebuilding strategies are, and must be inter-generational in length
- Need to manage on longer time horizons. Management is lost in day-to-day decisions
- Apparent rebounds in abundance often depend on the baseline selected, the recent depletions in stocks were from already depleted historic baselines
- What is a reasonable baseline? We aren't going to bring Buffalo back to historical highs. Why do it for fish?
- To have a law that requires the rebuilding of stocks in ten years is ridiculous and destructive to our fishing communities
- There is a conflict between short-term management and the long-term need to prevent harm to marine resources

- We continue to set harvest levels using 3 or 4-year-old information

Management time horizon – objectives, approaches

- Allocations should be over a longer period – five years - so fishermen and processors can plan
- Allocations should be over a longer period – three years - so fishermen can plan
- Regulations should be for a number of years and not changed annually
- Managers should not make any changes during a fishing year
- Processors set up new plants, and then NOAA reduces the fishery because of “new science”. Must have longer time horizons before changing Total Allowable Catch (TAC) levels

Fishing practice - objectives, approaches

- Management should force fishers to change to labor intensive fishing practices that are friendly to the environment
- Stop non-selective fishing
- Stop all bottom trawling in the Pacific
- Stop bottom trawling in sensitive areas
- Stop bottom trawling in areas with deep-sea corals or sponges
- Need to curtail long-lining in Gulf of Mexico, pelagic species are being destroyed and small fish killed
- All longlining should be banned
- Certain gear types should be banned from fishing.
- Should immediately pull all longline, fishtrap, and netting permits
- Need to eliminate all factory trawlers

Closures, regulations - issues

- Closures of international waters to U.S. fishers is unfair – foreign boats come in and catch the fish using worse techniques and gear – everyone is hurt because we loose the markets to foreign suppliers and both the endangered species and the fishery aren't protected
- Need to keep a constant supply of product to the market; closures force customers to go to other suppliers
- Closures mean I can't fish so I can't support my family or pay my bills.
- Closures force all the fisherman to fish in one area so that area gets overfished
- Fisheries regulations are too complicated
- Commercial fishers are being regulated out of business
- There has been a tidal wave of new fisheries regulations
- Fishers are constantly bombarded by regulations

Closures, regulations - objectives, approaches

- Time for NOAA Fisheries and the councils to review all regulations and give something back to the commercial fisherman
- Limiting days-at-sea is a bad way to manage
- Days-at-sea hasn't worked. Need a hard TAC to stop overfishing
- Should not set hard TACs
- Need a national recreational saltwater license
- Latent permits need to be removed

Other specific management - issues

- NOAA does not allow the public enough time to evaluate the many thousand page Environmental Impact Statements (EIS) now being developed

- A fish stock that surveys show to be at 25% of its prefished population might not be overfished – The fish may have moved to another part of the ocean or the survey may have missed them
- NOAA refers to any depletion of resource as “overfished”, but often it is not overfishing that has caused the resource to be depleted
- Alaska provisions in Senate appropriations are a troubling precedence
- Managers don’t use the data properly
- Open access to fish by the charter boat industry is hurting commercial fishers – especially when the charter boats sell to restaurants

Other specific management - objectives, approaches

- Catch overages should count against next year’s plan
- Maximum Sustainable Yield (MSY) is a pitfall. It leads to poor management. It was the best we could do 30 years ago. Now we need to develop something else
- NOAA Fisheries should close presently un-fished areas to fishing
- Need better management of slow growing species –such as sharks
- Coral reefs and horseshoe crabs need to be managed better
- Commercial quotas should only be allocated to fulltime fishers, not people with other incomes
- The council and state commissions should have the same people on them

10. MARINE MAMMALS

Issues

- Marine mammals now have religious status in the U.S.
- Sea lions (on the West Coast) are out of control. They now have a population of 250,000 compared with a historical estimate of 170,000

animals

- Sea lions are taking tuna off the hook and other fish out of the net
- Sea otters are wiping out the abalone
- Fish depletion in California waters is because of the explosion of marine mammal populations
- NOAA and the councils have failed to effectively reduce the animals killed in fishing operations
- The numbers of Stellar sea lions, walruses, sea otters, and dolphins are declining
- The United States Navy (Navy) is harming whales with active sonar
- NOAA is handmaiden to the Navy in the marine mammal permitting process
- NOAA second guesses sound science to give the Navy the authorizations it wants

Objectives, approaches

- Sea lions and Harbor seal populations are exploding. They are predators that need to be managed
- Need research on non-lethal control of marine mammals
- NOAA's permitting system for sea lion research has been excellent and should be extended to other mammals
- Should use fishing vessels and crew to sample marine mammals
- Reducing the race for fish reduces the impact on marine mammals
- Prevent Navy acoustical operations from harming dolphins and whales

11. MARINE PROTECTED AREAS

Issues

- Marine reserves should be as large and diverse as possible
- There are inadequate exclusionary reserves to give species room to repopulate
- Sanctuaries are areas of unique ocean life that deserve special protection
- Marine Protected Areas (MPAs) are the “insurance policies” for fisheries
- No-take zones and sanctuaries protect spawning stock
- It’s confusing as to who regulates fishing in Sanctuaries
- NOAA Fisheries management sometimes conflicts with the MPAs managed by the National Ocean Service (NOS)
- Sanctuaries advisory committees do not represent fishermen adequately

Objectives, approaches

- Need MPAs that protect nursery grounds
- Need MPAs to protect deepwater corals and sponges
- Deep sea corals would benefit from an MPA
- MPAs should protect biodiversity as well as fisheries management
- No-take zones should be expanded
- Should only be established for good scientific reasons and should require scientific monitoring
- Do not establish new sanctuaries or let the existing sanctuaries expand
- Remove the Sanctuaries program, it was established to control oil drilling and has outlived its usefulness
- Stop closing portions of the ocean without valid reasons
- Establishment of protected areas has hurt fishing
- Coral reef MPAs have not worked for commercially important species
- Common sense is not being used in the establishment of MPAs
- Other agencies should, as NOAA Fisheries does, work with local groups

before establishing MPAs

- Must be planned and coordinated - not imposed
- NOAA Fisheries and NOS should be partners in managing marine sanctuaries
- NOAA Fisheries and NOAA Sanctuaries should work together on fishing regulations in marine sanctuaries
- The Fishery Management Council, not NOAA Sanctuaries should set fishing regulations in marine sanctuaries
- Sanctuaries should stay out of fisheries management
- The Sanctuaries Program has a more diverse advisory structure than Fishery Management Councils, so they should make decisions about fishing in sanctuaries
- NOAA Fisheries' role in managing fish in sanctuaries should be to protect the habitat and ecosystem, not to remove as many fish as possible
- Fishing should be curtailed in National Marine Sanctuaries, especially fishing that tears up the bottom
- Recreational anglers should be allowed to catch and release in no-fish zones
- For planning deep-sea protected areas, NOAA needs to provide benthic maps for the Atlantic like it has done for the Pacific and North Pacific

12. NOAA LEADERSHIP

Issues

- NOAA should take lead to have cohesive management of fisheries resources in all waters- state, federal, and international
- NOAA should have a 100 year mission statement to for fisheries that ignores the need for profits now

- Fisheries should be removed from the Department of Commerce which focuses on commercial issues
- NOAA Fisheries should have more authority and the councils less
- NOAA needs the authority to manage fisheries in the face of uncertainty using the precautionary approach
- Leadership needs to move forward and make difficult decisions and not back down in the face of lawsuits
- NOAA Fisheries and councils need a vision for solving fisheries problems
- NOAA Fisheries needs to re-evaluate its role from economic return of fisheries to stabilization of the resource
- NOAA Fisheries should be doing all it can to stop overfishing, seafloor habitat destruction, and bycatch
- NOAA Fisheries has a worldwide influence
- Needs to spend much more money on education about life in the sea
- Has a responsibility to uphold treaty/trust relationship with Native Americans
- NOAA's authorization should deal with marine mammals, not the Department of Defense's

Positive comments

- NOAA Fisheries is working very well with the state fisheries directors
- NOAA Science Centers and Regional Offices are working well with the Councils
- NOAA Fisheries Science Centers are much more open now
- NOAA is taking the initiative in looking at NEPA issues
- NOAA Fisheries has done a great job pushing new gear technology
- Hogarth has been the most communicative and best Assistant Administrator

- NOAA Fisheries would be better off if more people were like Bill Hogarth
- Hogarth needs to, and can restore credibility and trust
- Hogarth is the most accessible and visible NOAA Fisheries Director
- Hogarth's top ten goals are right-on
- Hogarth is the best man for the job of NOAA Fisheries Director
- One speaker noted, "Hogarth has to try harder than the Pope".

Negative comments

- The Department of Commerce should stop promoting the seas as an extraction industry – stop it and you'll be in history books
- Needs a world view – fisheries and corals are being devastated
- Gives into the processors
- Needs to stop the favored client relationship with fishermen
- NOAA Fisheries does not do enough to represent itself in law suits
- Government bodies have lost their way – no longer doing what is right, but instead, they are protecting the profits of special interests
- NOAA Fisheries should be held accountable for the social disruptions in fishing communities

Objectives, approaches

- Keep providing good leadership
- Should continue doing their present great job
- Need to move fisheries management to an independent Department of the Oceans
- Don't allow fishing first and then try to fix it. Manage it from the start
- Needs to look at big picture including aquaculture
- Should get out from behind their desks and out on the water
- Should exert their authority to force the councils and stakeholders to make

dramatic changes

- Must strengthen the role of NOAA Fisheries in fisheries management
- NOAA needs look at NEPA/ Magnuson-Stevens Act issues
- Will have to coordinate approaches to ecosystem management
- Needs to take more of an international role
- Must include and educate the Department of State in international fisheries
- Needs to work with other agencies such as Interior to coordinate regulations and actions
- Should utilize the outreach of sister organizations such as Sea Grant and Sanctuaries
- Should work closer with Sanctuaries managing fisheries in MPAs
- Should set up a television channel like the weather channel that deals with fishing issues
- Should educate and enlist preservationists to monitor the waterways
- Agency needs to work more with the recreational fishers
- Need to stop closing field offices
- Stop providing loans for boats
- Need NOAA Fisheries presence in the Territories
- Provide more help with disaster response

13. OVERCAPITALIZATION/RATIONALIZATION

Pros

- We are overcapitalized and we must find a way for people to get out of fishing gracefully
- We are in the mist of a difficult transition but we need to stay the course and rationalize fisheries

- Must stop “tragedy of the commons” by limiting access
- The open range era has ended – need to restrict access to protect the resource
- Could reduce capacity in many fisheries and still harvest the same number of fish
- Must end the race for fish which is a safety concern and causes excessive bycatch
- Councils must control access to fisheries
- Limited access for a limited resource makes sense (and cents)

Cons

- Should not attempt to limit entry

Issues

- There will be winners and losers in rationalization
- Processors can control the fishery, making harvesters sharecroppers
- Processors have a conflict of interest when they ask for resource rights
- Rationalization causes social disruption with families leaving fishing communities
- Rationalization will lead to more industry cooperatives
- Rationalization will be the end of small, independent fishers
- Rationalization will cause social disruption with families leaving fishing communities
- Individual Fishing Quotas (IFQs) are forever and will promote fishing dynasties
- IFQs will lead to the demise of the small operator
- Smaller fishers need flexibility to change fisheries and gear
- Need a clearer definition of fishing capacity – right concept is fishing

power

- If commercial fishers need to reduce capacity, shouldn't recreational fishers do the same

Objectives, approaches

- Need more buyback programs
- Need to buy back the overcapacity in boats
- Congress doesn't need to set IFQ standards. The councils will set standards appropriate for their region
- Need to move forward with IFQs. The east coast is holding everyone back
- Implementing IFQs is premature until National Standards are formed
- IFQ programs should pay for themselves
- Need IFQs as a tool
- Too many boats, too many long-line permits, council needs to restrict access
- Get rid of permits that people are just sitting on
- Buyout latent permits and limit fleet size
- Need to limit entry and eliminate part-time fishers
- Who should share in the allocation? – harvesters, processors, communities, boat owners, non-owning captains, crew?
- What type of system is best? Just harvesters, harvester and processors, or harvesters, processors, and communities?

14. PEW OCEANS COMMISSION, NATIONAL COMMISSION ON OCEAN POLICY

Pro Pew

- Pew provides a good holistic approach to fisheries management
- Pew recommendations should be adopted – especially those related to overfishing, habitat destruction and reducing bycatch
- Pew recommendations are reasonable and pertinent
- Congress should implement Pew recommendations
- Pew makes constructive recommendations
- Pew outlines a path to sustainable fisheries
- Adopt Pew recommendations on fisheries, ecosystem management

Against Pew

- Pew is nothing but gloom and doom
- Pew is bad propaganda
- Pew is a bunch of ignorant environmentalists
- Pew is wrong on fisheries and on aquaculture
- Conservation groups like Pew have exaggerated the facts to get donations
- Pew wants to undo a fisheries management process that is working well
- Environmental concerns have too much say – Fishermen are under attack from Pew
- Pew has received too much press coverage
- The environmentalists have too big a say in the media

Pro National Commission on Ocean Policy (NCOP)

- NCOP idea on White House-level ocean council is a good one.

Against NCOP

- National Commission's ecosystem councils will conflict with fisheries management councils

NOAA response

- NOAA fisheries should respond aggressively to Pew
- NOAA fisheries needs media strategy to counter Pew

15. REGULATORY STREAMLINING

Issues

- There is widespread support for minimizing the time lags in the system
- The system has to be streamlined so regulations can be put in place quickly. Regardless of the type or effectiveness of a regulation, it does no good if it isn't in place
- Process must be speeded-up
- Bureaucratic process is broken. It takes too long and there are too many reviews
- Must untangle the NEPA “rats nest”, the process is clumsy and ties up the managers who should be managing
- Will result in fewer lawsuits, but causes more work for the Councils
- Puts burden on council by frontloading decisions
- Front loading may be helping NOAA but putting more burdens on councils
- Process is working but becoming unworkable with many thousand-page documents
- Process is unworkable with too many thousand-page documents
- Consultation process in the Councils is too slow and too cumbersome

Objectives, approaches

- NOAA Fisheries needs to do better job at meeting deadlines
- Must speed up actions – the system is too slow

16. SCIENCE/DATA/OBSERVATIONS

General science - issues

- Good cooperation between NOAA scientists and fishermen
- NOAA scientists are working with industry to solve problems
- The culture at fishery science centers has improved
- NOAA regional labs doing a good job
- NOAA leadership needs to support science more
- Collaborative research has come a long way
- Need more cooperative research – It works
- Cooperative Research Program is really paying off
- Cooperative research is working well and should be expanded
- Scientists are working with industry to solve problems
- Councils sometimes do not use science in their decisions
- Commercial fishers are the only ones to suffer when the science is incomplete
- Bad science has hurt fisheries management
- Science refuses to look at natural cycles in fisheries applied to fisheries management
- Misapplication of science has plagued fisheries management
- Shouldn't best available science include university science?
- Managing a fishery on "best available data" isn't good enough
- Don't separate science from management – they need to interact
- Science needs to be made simpler for the layman

- Fishers waste time filling out data forms, such as those for regulatory discards, that managers never see, much less use
- NOAA science on sharks is some of the best in the world

General science – objectives, approaches

- Need to have holistic comprehensive basic marine research on the natural histories and interdependence of all species
- Science needs to look at natural cycles in the ocean and how cycles affect fisheries management
- A fisherman should be on every NOAA research cruise
- Need more social-economic research
- Need geo-spatial data bases
- Need more collaborative research
- Need more cooperative research with industry – but industry needs help writing grants
- Need better science, especially ecosystem science
- Need to understand ocean regime changes – especially in the Pacific
- Need more maps of ocean bottom conditions
- Need to consider ocean regime changes and do predictive science
- Science on controlling predators needs to be worked on
- Need more benthic surveys for habitat assessments
- Need consensus on the science to agree on MSY
- Need more research dollars
- Need more money for science
- Need workshops with users to explain the science

Stock assessments - issues

- We simply do not know the status of too many fish stocks

- The government is responsible for managing fisheries but doesn't know the status of 75% of the populations it is trying to manage
- Too many stocks are still unknown
- NOAA Fisheries stock surveys use poor fishing gear and don't go where many of the fish are
- Fishermen need stock assessments and surveys that they have confidence in – ones that they have participated in
- Trawl surveys do not properly assess groundfish or rockfish
- Peer review of stock assessments slows down analysis

Stock assessments – objectives, approaches

- Need better science, more stock assessments
- Need more species- by-species assessments – some species classified as overfished are not
- Surveys should be where the fish are – not where they aren't
- Scientific monitoring of fish stocks should be done by university scientists who are not conflicted
- Stock assessments should be annual not biannual or tri-annual

Fisheries data - issues

- Too big a delay between gathering data and using it
- Money is level but more and more data are required each year
- Funding gaps mean data gaps

Fisheries data – objectives, approaches

- Need real-time data from an ocean observation system
- Need information in real time to build a sustainable fishery
- Need fisheries independent measures of catch, bycatch and spawning

- Need more careful monitoring of fish populations
- Need more surveys and related data
- Need information on total mortality caused by both commercial and recreational fishing
- Need fishery independent resources surveys to measure biological status
- Need to collect better observer data and get full value from that data
- Need better economic data by commercial and recreational fishers for each fishery
- Need more social-economic monitoring to examine constituent's response to regulations
- Need better data on recreational catch
- Marine recreational fishing surveys need improvement
- Need timely recreational data and for use by the advisory panels
- Need standardized fish accounting/landing information nationwide
- New technology like card swipes should be used in fish accounting
- Need more port samplers and recreational data
- Need electronic logbooks
- Need VMS on every vessel
- Need more money to collect recreational data

Observer - issues

- Observers make more money than fisherman
- Observers are expensive and costly to the vessel owner
- Every other boat has an observer on it

Observer – objectives, approaches

- Need more observers and money to pay for them
- Observer coverage needs to be increased

- Should combine Marine Mammal Protection Act (MMPA) observers with fisheries observers

REGIONAL ISSUES

1. “MID-ATLANTIC SPECIFIC ISSUES”

- Commission/Council are out of sync about Spiny Dogfish
- Dogfish are viscous predators that eat juveniles of valuable species.
- Might need to fish down spiny dogfish to help cod recover
- The (Atlantic States Marine Fisheries) Commission has a much less bureaucratic process than the councils are mandated to use
- Need to work on the definition of harassment in MMPA
- Fishers for underutilized pelagic species, such as herring, need economies of large fishing vessels – Congress is not allowing that to happen
- Low populations of menhaden in the Chesapeake Bay are hurting the ecosystem. Herring are filter feeders that help cleanse the Bay and serve as forage fish. This issue does not show up when looking at total menhaden populations, which are fine on the East Coast
- Continued dredging for fossil oyster shell is affecting striped bass spawning grounds.
- Declining horseshoe crab populations are harming migratory shorebirds, redknots in particular.
- The environmental community is delaying the rotating closure management of scallops
- The industry just wants to open areas for scallop fishing but not close any
- The scallop catch could be 4 to 5 times larger if one controlled predators
- The recreational fishers are running amok catching summer flounder

- Do not open the EEZ to commercial fishing of stripped bass
- Recreational fishers can catch summer flounder, but essentially can't keep any because of the 17-inch size limit.

2. "CARIBBEAN SPECIFIC ISSUES"

- EPA/local authorities have let effluent from a rum factory affect fishing grounds
- The Department of the Interior (DOI), under a Clinton administration mandate, took 30,000 acres of prime fishing grounds without consulting the fishers – this has led to overfishing in other areas
- Local enforcement is non-existent in the Virgin Islands and Puerto Rico
- Little or no bycatch here – everything is eaten or used

3. "NEW ENGLAND SPECIFIC ISSUES"

- Amendment 13 will put fishers and processors out of business
- Trawl problems by NOAA Fisheries scientists make all reference points questionable
- These are tough times for fishers in New England
- NOAA Fisheries is guilty of mental abuse in New England
- In the end, there be no commercial fishers in New England
- There is no consensus among constituent groups (commercial and recreational fishers, environmentalists, animal rights activists, etc.) on the solutions and timetable to rebuild overfished groundfish stocks
- There is poor coordination between the states/Atlantic States Marine

Fisheries Commission and the federal government/New England Fisheries Management Council

- Lawsuits leading to stricter regulation have caused disruption in fishing communities
- Years of overfishing, not lawsuits are the cause of New England's problems
- Thousands of jobs are riding on amendments now before the New England Fishery Management Council (NEFMC)
- The Labrador current is running strong and bringing back groundfish
- Industry has created the best available science with it's work with academia to develop benthic maps, but has to fight to get the data into the system
- "I am slowly going out of business with a house to support, children in college, and the cost of living going through the roof. Civil disobedience is not far away."
- The number of catchable large fish has declined for surfcasters so we need to decrease the areas that can be commercially fished

4. **"NORTH PACIFIC SPECIFIC ISSUES"**

- Stranded capital of processors in region
- Excessive individual landings allowed by Alaska citizens

5. **"SOUTH ATLANTIC SPECIFIC ISSUES"**

- Swordfish longlining should be permanently banned from the Florida Straits including experimental permits (37 e-mails were on this subject)

- Need more work on sea turtles and Turtle Excluder Devices (TEDs).
TEDs need to be used in a number of trawl fisheries
- Gillnet fisheries are still killing turtles
- Need to immediately implement the Atlantic Coast Cooperative Statistics Program (ACCSP)
- Need to revamp the shrimp industry to provide a quality domestic product
- Size limits on red snapper are too high, causing more to be killed and discarded than landed
- The angling community carries no weight with the South Atlantic Fisheries Management Council
- Commercial fishers are ignoring size limits on Kingfish because there is no enforcement
- Dolphin (mahi-mahi) size limits should be increased to 24 inches so they have a chance to spawn
- The dolphin weight limit should be ten pounds
- Red porgy restrictions are a joke – there are huge numbers of them out there
- Keep the inshore net ban – bait species are coming back and predators won't be far behind
- Should outlaw all taking of billfish in waters off Florida

6. **“WESTERN PACIFIC SPECIFIC ISSUES”**

- Need a strong NOAA Fisheries presence in U. S. Territories
- More help with disaster relief in the Territories
- Too many boats keep coming in – the council is granting too many fishing permits
- The Western Pacific Fisheries Management Council ignores everyone but

the commercial fishing industry

- Foreign crews replacing Americans in Hawaii
- The federal government is illegally managing fishery resources that rightfully belong the descendants of subjects of the Hawaiian kingdom and should immediately return those resources to their rightful owners
- Need to stop all trawling on Pacific corals
- NOAA Fisheries and the Western Pacific Fishery Management Council have not complied fully with the Executive Orders establishing the Northwest Hawaiian Islands Coral Reef Ecosystem Reserve
- Fishers on Guam should be allowed to take some sea turtles
- Need to use special aid monies on projects that improve the economies of Western Pacific fisheries

7. **“PACIFIC SPECIFIC ISSUES”**

- Need full Mitchell Act funding to support salmon hatcheries
- Lingcod management is excellent
- California stocks and management should be broken up between Northern and Southern California
- NOAA should fund tribes to do their own rockfish and groundfish surveys
- NOAA needs to look more at the limitations to hatchery production when setting catch limits on salmon
- Groundfish has been the poor stepchild of NOAA on the west coast
- Forty eight days is too short a time to comment on a 7,000 page EIS
- Need more regional flexibility in the sardine fishery
- The Pacific Fisheries Management Council has let segments of the industry “rape” the west coast groundfish stock
- The Pacific Fisheries Management Council is intimidating. It should be

- broken into smaller, more localized groups
- Water flow, hence Water Boards, are a critical issue in California's salmon restoration program
- Logging is discharging sediment into salmon streams. Timber harvest plans need to be approved by NOAA Fisheries
- NOAA Fisheries should be more active in working with local and regional entities on salmon issues – watershed by watershed
- The Southwest Science Center is outstanding
- The Sanctuaries near Monterey Bay should be combined and enlarged to connect with each other and be co-managed
- Need to clarify the promise to fishermen in the California coastal Sanctuary designation documents. Sanctuaries management is driving fishermen out
- The Monterey Bay National Marine Sanctuary Advisory Committee is attempting to manage fisheries in the Sanctuary when it is the Council's responsibility by law

8. "GULF OF MEXICO SPECIFIC ISSUES"

- TEDs used in Shrimp Fisheries lose too much of the catch.
- Delay implementing the TED regulations in the Gulf of Mexico
- Test new shrimp regulations before implementing them
- The trolling study to determine if fishing for pelagics affects the gag grouper population was poorly conducted
- Rapid growth of recreational fishing is putting pressure on resources
- There are now over 922,000 recreational vessels in Florida
- NOAA needs to establish a world class laboratory in Galveston, Texas to explore the Gulf ecosystem as a whole

HOGARTH'S TOP TEN GOALS – COMMENTS OTHER THAN SUPPORT

- Should be for maximum SOCIAL and economic benefit
- Buy American should only support species that are fished in a sustainable manner